

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

State of Minnesota,
by Michael Campion, its
Commissioner of Public Safety,
Plaintiff,

and

AFFIDAVIT OF DANIEL L. ABELSON

Robert J. Bergstrom, Craig A.
Zenobian, Shame M. Steffensen,
and Christopher D. Jacobsen,

Plaintiff- Intervenors,

vs.

CMI of Kentucky, Inc.,
a Kentucky corporation,

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

DANIEL L. ABELSON, being first duly sworn, deposes and states as follows:

1. I am an Assistant Attorney General representing Plaintiff State of Minnesota, by Michael Campion, its Commissioner of Public Safety, in the above-entitled matter. This affidavit is made in support of Plaintiff's Motion for Partial Summary Judgment and an Order for Specific Performance or Permanent Injunction, or in the alternative for a Preliminary Injunction.

2. Attached hereto as Exhibit A is a true and correct copy of Defendant CMI's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission to Plaintiff State of Minnesota.

3. The State and CMI have conducted extensive discovery in the above-entitled matter. As of May 27, 2009, the State has provided CMI with approximately 7,317 pages of documents and CMI has provided the State approximately 7,680 pages of documents. In addition each party has served extensive interrogatories and requests for admissions and responded to the bulk of the discovery requests. The State also provided CMI with documents early in the litigation as part of its Fed. R. Civ. P. 26(f) disclosures.

4. Attached hereto as Exhibit B is a true and correct copy of a letter dated May 28, 2009, from the Minneapolis City Attorney to Solicitor General Alan Gilbert discussing the impact of the source code issue on DWI cases in Hennepin County.

s/ Daniel L. Abelson
DANIEL L. ABELSON

Subscribed and sworn to before me
this 29th day of May, 2009.

s/Barbara J. Fehrman
Notary Public

AG: #2448732-v1